



Docket No.: 1080.1092

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Yosuke KONAKA

Serial No. 09/781,324

Group Art Unit: 2116

Confirmation No. 9071

Filed: February 13, 2001

Examiner: Nitin C. Patel

For: ELECTRONIC APPARATUS AND PROCESSING ABILITY ALTERATION  
INSTRUCTION APPARATUS

**APPEAL BRIEF UNDER 37 C.F.R §41.37**

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In a Notice of Appeal filed March 7, 2005, the applicant appealed the Examiner's October 6, 2004 Office Action finally rejecting claims 1-42. Submitted herewith are an Appeal Brief, a Petition for a one-month extension of time, and the requisite fees set forth in 37 C.F.R. § 1.17(a) and § 41.20(b).

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## **I. REAL PARTY IN INTEREST**

The real party in interest is Fujitsu Limited, the assignee of this application.

## **II. RELATED APPEALS AND INTERFERENCES**

Appellant, appellant's legal representative, and the assignee do not know of any prior or pending appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by, or have a bearing on, the Board's decision in this appeal.

### **III. STATUS OF CLAIMS**

Claims 1-42 have been rejected and are on appeal.

#### **IV. STATUS OF AMENDMENTS**

An Amendment Under 37 C.F.R. § 1.116 was filed January 6, 2005. This Amendment amended claims 1-3, 8-10, 16-31 and 34-42. In an Advisory Action mailed February 11, 2005 it was indicated that these proposed amendments would be entered for purposes of appeal. A Notice of Appeal was filed March 7, 2005. Therefore, the claim amendments presented under 37 C.F.R. § 1.116 have been entered in the application.

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

### **A. Claims 1 and 25**

Independent claim 1 recites an electronic apparatus, for example, a personal computer 100 in Fig. 1, to which a plurality of batteries 1 are detachably mounted. Page 13, line 21 to page 14, line 2.

Claim 1 further recites a removal requirement receipt section (see, for example, removal requirements switches 13 in Figure 2) which receives a removal requirement (e.g., as a result of depression of removal requirement buttons 102 in Figure 1) for a part of the mounted batteries 1. See page 15, line 26 to page 16, line 3.

Claim 1 further recites a processing ability determination section which is responsive to the removal requirement receipt section. For example, a microprocessor 7 (Figure 2) performs control relating to the mounting and removal of batteries. The microprocessor 7 receives on-off information from the removable requirement switches 13 and determines whether a supply in possible electric power from the remaining batteries is an electric power capable of maintaining a processing ability, or an electric power which needs to lower the lower processing ability. This determination procedure is illustrated by the flow chart of Figure 7 and the disclosure from page 24, line 12 to page 25, line 23 which describes steps c1 through c6 of Figure 7.

Claim 1 further recites "a processing ability control section" (for example the microprocessor 7 of Figure 2) which lowers the processing ability while keeping the electronic apparatus operative based on the decision from the processing ability determination section that the electric power needs to lower the processing ability. For example, in steps c7-c10, of Figure 7, the operation speed of the processing apparatus 19 in Figure 2 is lowered based on the determination that the electric power needs to lower the processing ability (see page 25, line 24 to page 26, line 10).

Claim 25 is directed to a processing ability alteration instruction apparatus and recites features which are similar to claim 1 and which are supported by the specification in a similar manner.

### **B. Claims 2 and 26**

Claim 2 is directed to an electronic apparatus, for example, a personal computer 100 in Figure 1, to which a plurality of batteries 1 are detachably mounted. Page 13, line 21 to page 14, line 2.

Claim 2 further recites “a removal requirement receipt section” in the same manner as claim 1 described above. Claim 2 further “recites a processing ability control section”, for example, processor 7 in Figure 2, which is responsive to signals from the removal requirement switches 13 to lower a processing ability while keeping the electronic apparatus operative as illustrated in the flowchart of Figure 7 and from page 24, line 12 of the specification to page 26, line 10 of the specification.

Claim 26 recites a processing ability alteration instruction apparatus which includes features similar to those described above with respect to claim 2.

### **C. Claims 3 and 27**

Claim 3 is directed to an electronic apparatus, for example, a personal computer 100 in Figure 1 to which a plurality of batteries (1) are detachably mounted. Page 13, line 21 to page 14, line 2.

Claim 3 recites “a mounting and removal detection section detecting mounting and removal of batteries”. This is illustrated, for example, in Figure 9 which includes mounting switches 131 which turn on when the battery packs 1 are mounted, and which turn off when the battery packs 1 are removed. Thus, in this embodiment there are no removal requirement switches 13, nor are there removable requirement buttons 102. See page 28, line 20 to page 29, line 9 of the specification.

Claim 3 further recites “a processing ability control section”, for example microprocessor 7 in Figure 9, which is responsive to the detection of the removal of a battery by said mounting and removal detection section (e.g. mounting switches 131) to lower a processing ability while keeping the electronic apparatus operative. Thus, when it is detected that the mounting switch is off in step e1 of Figure 10, a clock lowering request signal is outputted, so that the repetitive frequency of the operational clock of the processing apparatus 19 is lowered in step e2 (Figure 10 and page 29, lines 10-23).

Claim 27 is directed to a processing ability alteration instruction apparatus which recites features similar to those described above with respect to claim 3.

### **D. “Means” or “Step”**

None of the claims contain an element expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof.

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Claims 1-42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,739,596 to Takizawa et al. ("Takizawa") in view of U.S. Patent 6,272,642 B2 to Pole et al. ("Pole").



## **VII. ARGUMENT**

### **A. Review of the prior art**

#### **1. U.S. Patent No. 5,739,596 to Takizawa**

U.S. Patent 5,739,596 to Takizawa et al. is directed to a power supply and a power delivery method for an electronic device such as a portable computer having detachable batteries. Takizawa is directed to a battery driven electronic apparatus having plural main batteries, a back up battery and a power control system, wherein the main battery is used whenever possible to relieve the backup battery (column 1, lines 48-57).

#### **2. U.S. Patent No. 6,272,642 to Pole et al.**

U.S. Patent 6,272,642 to Pole et al. is directed to managing a system's performance state by using a controller adapted to transition a component from a first performance mode to a lower activity state in response to a power management event. The controller is adapted to change a setting of the component to a different performance mode while the component is in the lower activity stage (see abstract). Pole et al. describes examples of the system as including a portable computer, a notebook computer, and a handheld electronic device (column 2, lines 1 and 2).

Pole et al. discloses that depending on the desired power consumption, the system may be set to one of multiple performance states. It is described that if for example, the system is powered by a battery, it is placed in a lower performance state to conserve power. Alternatively, if the system is powered by an AC outlet, the system may be placed in a high performance state in which additional heat dissipation devices may be activated (column 2, lines 3-18).

Figure 3 and claim 6, lines 46-60 of Pole et al. describe a process executed by a power management module, such that if the system was originally battery operated and is then plugged into an AC outlet, the system may transition to a higher performance state. Alternatively, if the system is removed from the AC outlet, the system may transition to a lower performance state.

### **B. Claims 1, 4,7, 9, 11, 13, 16, 18, 20, 22, 23, 25, 28, 30, 32, 34, 36, 38, 40 and 41 are patentable over the prior art**

As described above, the present invention is directed to an electronic apparatus such as a notebook computer or a portable telephone having a plurality of batteries which are detachably mounted thereto. In accordance with the present invention, even if some of the batteries are removed, the apparatus is maintained in an operative state by lowering the processing ability of

the electronic apparatus. None of the prior art teaches or suggests this feature.

The Takizawa reference was cited by the Examiner for its disclosure of an electronic apparatus with more than one battery. As acknowledged by the Examiner, Takizawa does not teach lowering the processing ability while keeping the electronic apparatus operative when one or more of the batteries is to be removed (page 3 of October 6, 2004 final Office Action).

The Pole reference is not related to removal of batteries from an electronic apparatus but instead is directed to altering the activity state of the electronic apparatus depending on whether it is being operated by a battery or by an AC outlet.

It is also submitted that neither Takizawa nor Pole has any teaching or suggestion relating to the claimed processing ability determination section which is set forth in claim 1. This section determines whether a supplying possible electric power from the remaining batteries is an electric power capable of maintaining a processing ability or an electric power which needs to lower the processing ability. Neither Takizawa nor Pole have any teachings related to these features.

To establish obviousness under §103, the Examiner must consider the claimed invention "as a whole," and the prior art must teach or suggest all of the claim features. See Manual Of Patent Examining Procedure § 2143.03 (8th ed. Rev. 2 May 2004) ("MPEP"); *In re Royka*, 180 U.S.P.Q. 580, 583 (C.C.P.A. 1974); *In re Fine*, 5 U.S.P.Q.2d 1596, 1599 (Fed. Cir. 1988); *Ruiz v. A.B. Chance Co.*, 69 U.S.P.Q.2d 1686, 1690 (Fed. Cir. 2004).

Referring to claim 1, it is submitted that the prior art does not teach or suggest the claimed electronic apparatus to which a plurality of batteries are detachably mounted which includes:

- a removal requirement receipt section receiving a removal requirement for a part of the mounted batteries;

- a processing ability determination section responsive to the removal requirement for a battery from said removal requirement receipt section to determine whether a supplying possible electric power from the remaining batteries is an electric power capable of maintaining a processing ability or an electric power which needs to lower the processing ability; and

- a processing ability control section for lowering the processing

ability while keeping the electronic apparatus operative in accordance with a decision from said processing ability determination section that the electric power needs to lower the processing ability.

Therefore, it is submitted that claim 1 patentably distinguishes over the prior art.

It is also submitted that the Examiner's line of reasoning for combining the teachings of Takizawa and Pole is deficient. To establish a *prima facie* case of obviousness based on multiple references, there must be some teaching that would have led one of ordinary skill in the art at the time of the invention to combine the references. MPEP § 2143.01; *In re Thrift*, 63 U.S.P.Q.2d 2002, 2006 (Fed. Cir. 2002)(quoting *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988)); *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

On pages 3 and 4 of the Final Office Action the Examiner takes the following position:

It would have been obvious to one of an ordinary skill in the art having the teachings of Takizawa and Pole in front of him at the time of invention was made, to modify the processing ability control section for controlling the operation of an apparatus operative or to stop depending upon whether the charge level is sufficient or not disclosed by Takizawa to include a transition to lower processing ability [lower performance state] in response to determination that low charge level instead of directly stop state which prevents system reset, and the signal VRPWRGD is maintained active during the performance state transition by control logic and system may trigger a performance state change including an over a temperature condition where a predefined temperature threshold in a thermal zone of computer system has been violated and system usage is monitored, with events generated to trigger switching to a lower performance state if usage is low which obviously also lengthens the life of battery [column 6, lines 14-38].

See pages 3 and 4 of Office Action.

It is submitted that the Examiner's obviousness statement is deficient because it provides no line of reasoning from the prior art as to why one of ordinary skill would have been led to combine the teachings of the prior art. That is, the Examiner simply provides a hindsight reconstruction of the present invention by selecting different features from the prior art and combining them to achieve the present claimed invention.

In fact, it is submitted that one of ordinary skill would not have been led to combine the teachings of the prior art to achieve the present claimed invention. At most, it is submitted that one of ordinary skill would have been led to modify Takizawa so that it has different activity levels depending on whether the electronic device is plugged into an AC outlet or whether it is operating under battery control.

For all of the above reasons, it is submitted that claims 1, 4, 7, 9, 11, 13, 16, 18, 20, 22, 23, 25, 28, 30, 32, 34, 36, 38, 40 and 41 patentably distinguish over the prior art.

**C. Claims 2, 5, 8, 10, 12, 14, 17, 19, 21, 24, 26, 29, 31, 33, 35, 37, 39 and 42 are patentable over the prior art**

Referring, for example, to claim 2, this claim is directed to an electronic apparatus to which a plurality of batteries are detachably mounted. The apparatus comprises a removal requirement receipt section receiving a removal requirement for a part of the mounted batteries. This portion of claim 2 is the same as the corresponding portion of claim 1 and distinguishes over the prior art for the reasons explained above.

Claim 2 also recites a processing ability control section responsive to the removal requirement for a battery from the removal requirement receipt section to lower a processing ability while keeping the electronic apparatus operative. Thus, in the case of claim 2, the processing ability control section lowers the processing ability in response to the removal requirement for a battery from the removal requirement receipt section. This feature is not taught or suggested by either Takizawa or Pole. Specifically, Takizawa merely discloses an electronic apparatus with more than one battery, while Pole alters the activity state of an electronic apparatus depending upon whether the apparatus is being operated by a battery or an AC outlet.

Further, for reasons similar to those explained above, it is submitted that one of ordinary skill would not have been led to combine the teachings of the prior art to achieve the claimed invention as set forth in claim 2.

**Summary**

For all of the above reasons, it is submitted that claims 2, 5, 8, 10, 12, 14, 17, 19, 21, 24, 26, 29, 31, 33, 35, 37, 39 and 42 patentably distinguish over the prior art.

**D. Claims 3, 16, 15 and 27 are patentable over the prior art**

Claim 3 is directed to an electronic apparatus which includes a processing ability control section. In the case of claim 3, the processing ability control section lowers a processing ability while keeping the electronic apparatus operative in response to a detection of a removal of a battery by the mounting and removal detection section. Neither Takizawa nor Pole teach or suggest the feature of lowering processing ability in response to detection of removal of a battery.

Further, for reasons similar to those explained above with respect to claim 1, it is submitted that one of ordinary skill would not have been led to combine the teachings of the prior art to achieve the claimed invention as set forth in claim 3.

For all the above reasons, it is submitted that claims 3, 6 and 15 and 27 patentably distinguish over the prior art.

**E. CONCLUSION**

In summary, Applicant submits that claims 1-42 patentably distinguish over the prior art. Reversal of the Examiner's rejection is respectfully requested.

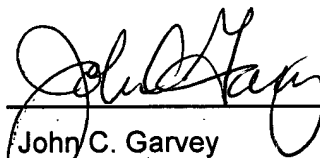
Respectfully submitted,

STAAS & HALSEY LLP

Date: \_\_\_\_\_

6-7-05

By: \_\_\_\_\_

  
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## **VIII. CLAIMS APPENDIX**

1. (previously presented) An electronic apparatus to which a plurality of batteries are detachably mounted, comprising:

a removal requirement receipt section receiving a removal requirement for a part of the mounted batteries;

a processing ability determination section responsive to the removal requirement for a battery from said removal requirement receipt section to determine whether a supplying possible electric power from the remaining batteries is an electric power capable of maintaining a processing ability or an electric power which needs to lower the processing ability; and

a processing ability control section lowering the processing ability while keeping the electronic apparatus operative in accordance with a decision from said processing ability determination section that the electric power needs to lower the processing ability.

2. (previously presented) An electronic apparatus to which a plurality of batteries are detachably mounted, comprising:

a removal requirement receipt section receiving a removal requirement for a part of the mounted batteries; and

a processing ability control section responsive to the removal requirement for a battery from said removal requirement receipt section to lower a processing ability while keeping the electronic apparatus operative.

3. (previously presented) An electronic apparatus to which a plurality of batteries are detachably mounted, comprising:

a mounting and removal detection section detecting mounting and removal of batteries; and

a processing ability control section responsive to a detection of a removal of a battery by said mounting and removal detection section to lower a processing ability while keeping the electronic apparatus operative.

4. (original) An electronic apparatus according to claim 1, in which said electronic apparatus has a portion receiving a clock and operative in synchronism with the clock while consuming an electronic power according to a repetitive frequency of the clock,

wherein said processing ability control section changes over the frequency of the clock to control the processing ability.

5. (original) An electronic apparatus according to claim 2, in which said electronic apparatus has a portion receiving a clock and operative in synchronism with the clock while consuming an electronic power according to a repetitive frequency of the clock,

wherein said processing ability control section changes over the frequency of the clock to control the processing ability.

6. (original) An electronic apparatus according to claim 3, in which said electronic apparatus has a portion receiving a clock and operative in synchronism with the clock while consuming an electronic power according to a repetitive frequency of the clock,

wherein said processing ability control section changes over the frequency of the clock to control the processing ability.

7. (original) An electronic apparatus according to claim 1, wherein said processing ability determination section receives the removal requirement for a battery from said removal requirement receipt section and determines whether an electric power supplying ability is insufficient with only the remaining batteries, even if the processing ability is lowered by said processing ability control section, and

said electronic apparatus further comprises a removal acceptance display section for displaying inhibit or acceptance of the removal of a battery according as said processing ability determination section determines whether an electric power supplying ability is insufficient with only the remaining batteries, even if the processing ability is lowered by said processing ability control section.

8. (previously presented) An electronic apparatus according to claim 2, further comprising:

a processing ability determination section responsive to the removal requirement for a battery from said removal requirement receipt section to determine whether an electric power supplying ability is insufficient with only the remaining batteries, even if the processing ability is lowered by said processing ability control section, and

a removal acceptance display section displaying inhibit or acceptance of the removal of a battery according as said processing ability determination section determines whether an electric

power supplying ability is insufficient with only the remaining batteries, even if the processing ability is lowered by said processing ability control section.

9. (previously presented) An electronic apparatus according to claim 1, further comprising a residual electric power monitor section monitoring a residual electric power of the mounted batteries.

10. (previously presented) An electronic apparatus according to claim 2, further comprising a residual electric power monitor section monitoring a residual electric power of the mounted batteries.

11. (original) An electronic apparatus according to claim 9, wherein said residual electric power monitor section measures voltage and supplying current of the mounted batteries and determines a residual electric power of the batteries through an arithmetic operation.

12. (original) An electronic apparatus according to claim 10, wherein said residual electric power monitor section measures voltage and supplying current of the mounted batteries and determines a residual electric power of the batteries through an arithmetic operation.

13. (original) An electronic apparatus according to claim 1, wherein each of said batteries is a chargeable secondary battery provided in a battery pack, and a plurality of such battery packs are capable of being mounted on said electronic apparatus.

14. (original) An electronic apparatus according to claim 2, wherein each of said batteries is a chargeable secondary battery provided in a battery pack, and a plurality of such battery packs are capable of being mounted on said electronic apparatus.

15. (original) An electronic apparatus according to claim 3, wherein each of said batteries is a chargeable secondary battery provided in a battery pack, and a plurality of such battery packs are capable of being mounted on said electronic apparatus.

16. (previously presented) An electronic apparatus according to claim 1, wherein each of said batteries is a battery provided in a battery pack, a plurality of such battery packs are



capable of being mounted on said electronic apparatus, and each of said battery packs has a memory storing a residual electric power of a battery of an associated battery pack.

17. (previously presented) An electronic apparatus according to claim 2, wherein each of said batteries is a battery provided in a battery pack, a plurality of such battery packs are capable of being mounted on said electronic apparatus, and each of said battery packs has a memory storing a residual electric power of a battery of an associated battery pack.

18. (previously presented) An electronic apparatus according to claim 9, wherein each of said batteries is a battery provided in a battery pack, a plurality of such battery packs are capable of being mounted on said electronic apparatus, and each of said battery packs has a memory storing an association between voltage and supplying current of an associated battery and a residual electric power of the battery, and

wherein said residual electric power monitor section measures voltage and supplying current of the mounted batteries and determines a residual electric power of the batteries referring to said memories.

19. (previously presented) An electronic apparatus according to claim 10, wherein each of said batteries is a battery provided in a battery pack, a plurality of such battery packs are capable of being mounted on said electronic apparatus, and each of said battery packs has a memory storing an association between voltage and supplying current of an associated battery and a residual electric power of the battery, and

wherein said residual electric power monitor section measures voltage and supplying current of the mounted batteries and determines a residual electric power of the batteries referring to said memories.

20. (previously presented) An electronic apparatus according to claim 11, wherein each of said batteries is a battery provided in a battery pack, a plurality of such battery packs are capable of being mounted on said electronic apparatus, and each of said battery packs has a memory storing an association between voltage and supplying current of an associated battery and a residual electric power of the battery, and

wherein said residual electric power monitor section measures voltage and supplying current of the mounted batteries and determines a residual electric power of the batteries referring to said memories.

21. (previously presented) An electronic apparatus according to claim 12, wherein each of said batteries is a battery provided in a battery pack, a plurality of such battery packs are capable of being mounted on said electronic apparatus, and each of said battery packs has a memory storing an association between voltage and supplying current of an associated battery and a residual electric power of the battery, and

wherein said residual electric power monitor section measures voltage and supplying current of the mounted batteries and determines a residual electric power of the batteries referring to said memories.

22. (previously presented) An electronic apparatus according to claim 1, wherein each of said batteries is a battery provided in a battery pack, a plurality of such battery packs are capable of being mounted on said electronic apparatus, and each of said battery packs has a memory storing an association between a residual electric power of an associated battery and a maximum chargeable current, and

wherein said processing ability determination section performs a determination referring to said memories.

23. (previously presented) An electronic apparatus according to claim 7, wherein each of said batteries is a battery provided in a battery pack, a plurality of such battery packs are capable of being mounted on said electronic apparatus, and each of said battery packs has a memory storing an association between a residual electric power of an associated battery and a maximum chargeable current, and

wherein said processing ability determination section performs a determination referring to said memories.

24. (previously presented) An electronic apparatus according to claim 8, wherein each of said batteries is a battery provided in a battery pack, a plurality of such battery packs are capable of being mounted on said electronic apparatus, and each of said battery packs has a memory storing an association between a residual electric power of an associated battery and a maximum chargeable current, and

wherein said processing ability determination section performs a determination referring to said memories.

25. (previously presented) A processing ability alteration instruction apparatus instructing an alteration of a processing ability to an electronic apparatus to which a plurality of batteries are detachably mounted, comprising:

a removal requirement receipt section receiving a removal requirement for a part of the batteries mounted on said electronic apparatus;

a processing ability determination section responsive to the removal requirement for a battery from said removal requirement receipt section to determine whether a supplying possible electric power from the remaining batteries only is an electric power capable of maintaining a processing ability or an electric power which needs to lower the processing ability; and

a processing ability alteration instruction section instructing said electronic apparatus to lower the processing ability while keeping the electronic apparatus operative in accordance with a decision from said processing ability determination section that the electric power needs to lower the processing ability.

26. (previously presented) A processing ability alteration instruction apparatus instructing an alteration of a processing ability to an electronic apparatus to which a plurality of batteries are detachably mounted, comprising:

a removal requirement receipt section receiving a removal requirement a part of the batteries mounted on said electronic apparatus; and

a processing ability alteration instruction section responsive to the removal requirement for a battery from said removal requirement receipt section to instruct said electronic apparatus to lower the processing ability while keeping the electronic apparatus operative.

27. (previously presented) A processing ability alteration instruction apparatus instructing an alteration of a processing ability to an electronic apparatus to which a plurality of batteries are detachably mounted, comprising:

a mounting and removal detection section detecting mounting and removal of batteries on and from said electronic apparatus; and

a processing ability alteration instruction section responsive to a detection of a removal of a battery by said mounting and removal detection section to instruct said electronic apparatus to lower the processing ability while keeping the electronic apparatus operative.

28. (previously presented) A processing ability alteration instruction apparatus according to claim 25, wherein said processing ability determination section receives the

removal requirement for a battery from said removal requirement receipt section and determines whether an electric power supplying ability is insufficient with only the remaining batteries, even if the processing ability of said electronic apparatus is lowered, and

said processing ability alteration instruction apparatus further comprises a removal acceptance display section displaying inhibit or acceptance of the removal of a battery according as said processing ability determination section determines whether an electric power supplying ability is insufficient with only the remaining batteries, even if the processing ability is lowered.

29. (previously presented) A processing ability alteration instruction apparatus according to claim 26, further comprising:

a processing ability determination section responsive to the removal requirement for a battery from said removal requirement receipt section to determine whether an electric power supplying ability is insufficient with only the remaining batteries, even if the processing ability of said electronic apparatus is lowered, and

a removal acceptance display section for displaying inhibit or acceptance of the removal of a battery according as said processing ability determination section determines whether an electric power supplying ability is insufficient with only the remaining batteries, even if the processing ability of said electronic apparatus is lowered.

30. (previously presented) A processing ability alteration instruction apparatus according to claim 25, further comprising a residual electric power monitor section monitoring a residual electric power of the mounted batteries.

31. (previously presented) A processing ability alteration instruction apparatus according to claim 26, further comprising a residual electric power monitor section monitoring a residual electric power of the mounted batteries.

32. (original) A processing ability alteration instruction apparatus according to claim 30, wherein said residual electric power monitor section measures voltage and supplying current of the mounted batteries and determines a residual electric power of the batteries through an arithmetic operation.

33. (original) A processing ability alteration instruction apparatus according to claim 31, wherein said residual electric power monitor section measures voltage and supplying current

of the mounted batteries and determines a residual electric power of the batteries through an arithmetic operation.

34. (previously presented) A processing ability alteration instruction apparatus according to claim 25, wherein each of said batteries is a battery provided in a battery pack, a plurality of such battery packs are capable of being mounted on said electronic apparatus, and each of said battery packs has a memory storing a residual electric power of a battery of an associated battery pack.

35. (previously presented) A processing ability alteration instruction apparatus according to claim 26, wherein each of said batteries is a battery provided in a battery pack, a plurality of such battery packs are capable of being mounted on said electronic apparatus, and each of said battery packs has a memory storing a residual electric power of a battery of an associated battery pack.

36. (previously presented) A processing ability alteration instruction apparatus according to claim 30, wherein each of said batteries is a battery provided in a battery pack, a plurality of such battery packs are capable of being mounted on said electronic apparatus, and each of said battery packs has a memory storing an association between voltage and supplying current of an associated battery and a residual electric power of the battery, and

wherein said residual electric power monitor section measures voltage and supplying current of the mounted batteries and determines a residual electric power of the batteries referring to said memories.

37. (previously presented) A processing ability alteration instruction apparatus according to claim 31, wherein each of said batteries is a battery provided in a battery pack, a plurality of such battery packs are capable of being mounted on said electronic apparatus, and each of said battery packs has a memory storing an association between voltage and supplying current of an associated battery and a residual electric power of the battery, and

wherein said residual electric power monitor section measures voltage and supplying current of the mounted batteries and determines a residual electric power of the batteries referring to said memories.

38. (previously presented) A processing ability alteration instruction apparatus according to claim 32, wherein each of said batteries is a battery provided in a battery pack, a plurality of such battery packs are capable of being mounted on said electronic apparatus, and each of said battery packs has a memory storing an association between voltage and supplying current of an associated battery and a residual electric power of the battery, and

wherein said residual electric power monitor section measures voltage and supplying current of the mounted batteries and determines a residual electric power of the batteries referring to said memories.

39. (previously presented) A processing ability alteration instruction apparatus according to claim 33, wherein each of said batteries is a battery provided in a battery pack, a plurality of such battery packs are capable of being mounted on said electronic apparatus, and each of said battery packs has a memory storing an association between voltage and supplying current of an associated battery and a residual electric power of the battery, and

wherein said residual electric power monitor section measures voltage and supplying current of the mounted batteries and determines a residual electric power of the batteries referring to said memories.

40. (previously presented) A processing ability alteration instruction apparatus according to claim 25, wherein each of said batteries is a battery provided in a battery pack, a plurality of such battery packs are capable of being mounted on said electronic apparatus, and each of said battery packs has a memory storing an association between a residual electric power of an associated battery and a maximum chargeable current, and

wherein said processing ability determination section performs a determination referring to said memories.

41. (previously presented) A processing ability alteration instruction apparatus according to claim 28, wherein each of said batteries is a battery provided in a battery pack, a plurality of such battery packs are capable of being mounted on said electronic apparatus, and each of said battery packs has a memory storing an association between a residual electric power of an associated battery and a maximum chargeable current, and

wherein said processing ability determination section performs a determination referring to said memories.

42. (previously presented) A processing ability alteration instruction apparatus according to claim 29, wherein each of said batteries is a battery provided in a battery pack, a plurality of such battery packs are capable of being mounted on said electronic apparatus, and each of said battery packs has a memory storing an association between a residual electric power of an associated battery and a maximum chargeable current, and wherein said processing ability determination section performs a determination referring to said memories.

## **IX. EVIDENCE APPENDIX**

Not applicable



**X. RELATED PROCEEDING APPENDIX**

Not applicable